



2816

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		Application Number	09/993,338
		Filing Date	11/13/2001
		First Named Inventor	Scott R. Manalis
		Group Art Unit	2816
		Examiner Name	Bradley L. Sisson
Total Number of Pages in This Submission		Attorney Docket Number	S98-157

ENCLOSURES (check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Bertram Rowland, Reg. No. 20,015
Signature	<i>Bertram Rowland</i>
Date	08/07/03

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/993,338

Atty. Docket No.: S98-157

Filing Date: November 13, 2001

Art Unit: 2816

Applicants: Scott R. Manalis

Examiner: Bradley L. Sisson

Title: **DIRECT DNA SEQUENCING WITH A TRANSCRIPTION**

PROTEIN AND A NANOMETER SCALE ELECTROMETER

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RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement of July 22, 2003, Applicants' attorney elects claims 1-17, and 26-42 with traverse.

The Office Action states that the product could be used in a materially different process, such as an immunoassay. However, there are no directions as to how such apparatus could be modified to apply to an immunoassay. For example Claim 1, in its preamble refers to the apparatus as having the capability of sequencing DNA. The apparatus comprises a "protein that is capable of transcribing said DNA...." Accepting the broadest possible interpretation of immunoassay so as to include any binding protein, it is not seen how the apparatus would be useful in an assay. While the apparatus could detect the binding of DNA to support an alternative utility.

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In view of the above remarks the Examiner is respectfully requested to withdraw the restriction requirement.

Respectfully submitted,



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